

ATTORNEY DOCKET NO.: PNM01 010 CONT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Continuation Patent Application of Chris Quinlan and Edward A. Devlin

Confirmation No.: 8510

Serial No.: 10/661,886

Art Unit: 3688

Filed: September 15, 2003

Examiner: Daniel Lastra

Title: METHOD AND SYSTEM FOR REDEEMING PRODUCT
MARKETING REBATES

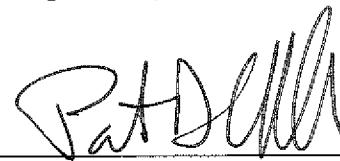
Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF

In response to the Final Office Action dated November 3, 2009, and the Notice of Panel Decision from Pre-Appeal Brief review dated April 20, 2010, Appellant hereby timely submits the attached Appeal Brief pursuant to 37 CFR §41.37.

Respectfully submitted,



Patrick D. McPherson Reg. No. 46,255

DUANE MORRIS LLP
505 9th Street N.W., Suite 1000
Washington, DC 20006
Telephone: (202) 776-7800
Facsimile: (202) 776-7801
Dated: July 20, 2010

TABLE OF CONTENTS

	<u>Page</u>
I. Real Party in Interest	4
II. Related Appeals and Interferences	4
III. Status of Claims	4
IV. Status of Amendments	4
V. Summary of Claimed Subject Matter	4
VI. Grounds for Review.....	7
VII. Argument	8
A. Background.....	8
B. Present Application.....	10
C. The Cited Art.....	11
D. Rejection of claims 102-126 under 35 U.S.C. § 102 as being unpatentable over Jacoves: The reference does not teach or suggest Appellants' claimed invention.....	12
1. The examiner's interpretation of the cited art is contrary to the examiner's previous Office Action in the present application and is inconsistent with the final Office Action issued in related Applications No. 10/768,639 (the '639 Application).....	12
2. Claims 102-126	17
a. Jacoves does not disclose the claimed "transaction identifier" or the "transaction code"	17
b. Jacoves does not disclose the use of product information to validate the rebate.....	18
3. The examiner's Response to Arguments does not represent a consideration of the teaching of Jacoves as a whole.....	20
VIII. Conclusion	21

IX.	CLAIMS APPENDIX	22
X.	EVIDENCE APPENDIX.....	32
XI.	RELATED PROCEEDINGS APPENDIX.....	33

I. Real Party in Interest

The real party in interest is Christopher Quinlan and Edward Devlin, the inventors and present owner of the application and the invention described therein.

II. Related Appeals and Interferences

U.S. Pat. Ser. No. 10/098,948 is a commonly owned application directed to common subject matter with the present application, and is currently on appeal.

III. Status of Claims

Claims 102-126 are pending in the present application. Claims 102-126 stand rejected. Claims 102-126 are involved in the Appeal. Claims 102, 104, 110, 116, 121 and 124 are the only independent claims.

IV. Status of Amendments

No amendments to the claims are made in this Appeal Brief.

V. Summary of Claimed Subject Matter

The pending claims are directed to a system and method for rebate fulfillment. Independent Claim 102 is directed to a method of processing rebates by a processing site which receives information related to the rebate from the supplier (p. 17, ll. 19-24). The retailer of the product assigns a unique transaction number at the point of sale for a transaction in which a product subject to a rebate is purchased (p. 14, ll. 5-11). The retailer provides the processing site with a purchase data record that includes the transaction identifier and an identification of the products purchased in the transaction (p. 16, ll. 18-26). The processing site also receives a rebate claim from a purchaser which includes the transaction identifier (p. 16, ll. 3-6). The processing site uses the transaction

identifier to access the purchase data record provided by the retailer and to ascertain the applicability of the rebate claim (p. 17, ll. 15- 19). The fulfillment administrator can then validate the rebate (p. 17, l. 20-p. 18, l. 4).

Independent claim 104 is directed to a system for processing rebate claims including a data port for electronically receiving (Fig 3) product promotion rebate information (p. 17, ll. 19-24), purchase data records (p. 16, ll. 18-26), and a purchase rebate claim (p. 16, ll. 3-6). The system also includes a memory for storing the purchase data records (p. 31, ll. 3-7) and product promotion information (p. 17, ll. 19-24). Also included is a processor that matches the transaction identifier supplied by the purchaser with a stored purchase data record and compares the products purchased with product promotions to validate the claim (p. 31, ll. 7-27).

Independent Claim 110 is directed to a method of processing rebates by a processing site which receives and stores information related to a product promotion (p. 17, ll. 19-24). The processing site also receives a plurality of purchase data records, each record includes a transaction code and identifies at least two products purchased (p. 16, ll. 18-26, p. 17, ll. 8-10). The processing site also receives a rebate claim from a purchaser which includes the transaction code and customer information (p. 16, ll. 3-7). The processing site uses a processor to match the transaction code supplied by the purchaser with a stored purchase data record (p. 17, ll. 15- 19), and compares the products purchased with product promotions to determine if such product is eligible for a rebate (p. 17, ll. 22-25) and validates the rebate claim (p. 31, ll. 7-27).

Independent Claim 116 is directed to a method of processing rebates by a processing site which receives and stores information related to a product promotion (p. 17, ll. 19-24). The processing site also receives a plurality of purchase data records, each record includes a transaction code and identifies at one product purchased (p. 16, ll. 18-26, p. 17, ll. 8-10). The processing site electronically stores the transaction code and the purchased products associated with the transaction code (p. 31, ll. 5-11). The processing site also receives a rebate claim from a purchaser which includes the transaction code and customer information (p. 16, ll. 3-7). The processing site uses a processor to match the transaction code supplied by the purchaser with a stored purchase data record (p. 17, ll. 15- 19). For matched transaction codes, the processing site compares each purchased product against product promotion information to determine eligibility of the purchased products (p. 17, ll. 22-24.) The processing site then validates the rebate claims for each eligible product (p. 17, l. 24- p. 18, l. 4).

Independent Claim 121 is directed to a system for processing rebate claims having a point of sale computer system including a terminal for processing a purchase transaction and assigning a transaction code (Fig. 3, p. 30, ll. 11-19), programming for generating a purchase data record including a transaction code and at least one product purchased (p. 31, ll. 5-11), and a data link for establishing communication with a rebate processing site (p. 31, ll. 14-23). The system also includes a memory for storing the purchase data records and product promotion rebate information (p. 31, ll. 5-11, p. 17, ll. 22-240). The system includes a processor to match the transaction code supplied by the purchaser with a stored purchase data record (p. 17, ll. 15- 19). For matched transaction

codes, the processing site compares each purchased product against product promotion information to determine eligibility of the purchased products (p. 17, ll. 22-24). The processing site then validates the rebate claims for each eligible product (p. 17, l. 24- p. 18, l. 4).

Independent Claim 124 is directed to a method of processing rebates by a processing a transaction involving the sale of goods irrespective of whether the goods are eligible for a rebate and assigning a transaction code (p. 14, ll. 5-11, p. 17, ll. 7-10). The method includes generating a purchase data record having the transaction code and identification of at least one product purchased (p. 16, ll. 18-26, p. 17, ll. 8-10) and transmitting the purchase data record to a processing site (p. 31, ll. 5-11). The processing site receives the purchase data record and electronically stores the information contained in it (p. 31, ll. 5-11). The processing site also stores product promotion rebate information (p. 17, ll. 22-24). The processing site uses a processor to match the transaction code supplied by the purchaser with a stored purchase data record (p. 17, ll. 15- 19). For matched transaction codes, the processing site compares each purchased product against product promotion information to determine eligibility of the purchased products (p. 17, ll. 22-24.) The processing site then validates the rebate claims for each eligible product (p. 17, l. 24- p. 18, l. 4).

VI. Grounds for Review

Whether Claims 102-126 are properly rejected under 35 U.S.C. § 102 as being anticipated by U.S. Publication No. 2001/0018664 (“Jacoves”).

VII. Argument

A. Background

The present application is directed to the field of product promotions. Many such product promotions are known to one of skill in the art. Specifically, the present application is directed to “rebates,” or “rebate marketing.” A rebate is a marketing promotion of a specific product in which a purchaser of that product is required to provide a rebate claim to obtain a refund of a portion of the selling price of the product purchased at a time subsequent to the purchase transaction. Typically, the rebate promotional offer is made by a manufacturer or retailer and is directed to the retail purchaser who must at a time subsequent to the purchase transaction provide the rebate claim to the entity responsible for fulfillment, who will in turn verify the rebate and transfer the refund to the purchaser.

Other known product promotions include instant discounts or coupons, and rewards programs. An instant discount or coupon is a reduction in price received at the point of sale (POS). For example, a coupon can be provided to a potential purchaser to encourage the purchase of a specific product through direct mail, newspaper advertisement, magazine insert or more recently, electronically. The purchaser can present the coupon for a specific product and receive an instant reduction in the purchase price at the POS. Another instant discount is a loyalty program where all members of the loyalty program enjoy price reductions on all goods purchased or on some subset of the goods purchased. The member may present a loyalty card or some other indication of

membership in the program and receives a price reduction on the designated products at the POS.

Another product promotion is a rewards program or shopping club where purchasers automatically receive points for all purchases which can be redeemed later for goods. Unlike rebates, reward points are generally received without any action by the purchaser other than enrollment in the rewards program. A characteristic of rebate marketing is the rebate offer or promotion offer is limited to selected products offered by the merchandising entity, i.e., not all groceries, not all credit card purchases, and not all airline tickets. Thus, even though a rewards program member receives a reward subsequent to the time and point of sale, the crediting of the reward is not a "rebate." It is a characteristic of rebate marketing that the refund of the purchase price be received by the purchaser subsequent to the purchase transaction. Point-of-sale price reductions are not "rebates". If the act of purchase, by itself, is sufficient to effect the purchase discount without some additional act by the purchaser either before or subsequent to the purchase, such marketing is not rebate marketing.

A rebate presents a unique problem not associated with instant discounts and coupons and reward programs where credit is given at the POS. The purchaser of a product associated with a rebate must provide evidence after the purchase transaction at the time a rebate claim is made to prove that the product was actually purchased. People who submit rebate claims who have not actually purchased the rebated products present a huge fraud threat to the rebate processor. In the past, purchasers have been required to

provide "UPC" codes from packages or other product specific codes in order to evidence that the rebated product was purchased.

B. Present Application

The pending claims are directed to a system and method for rebate fulfillment which solves the problem of fraudulently submitted rebate claims. A retailer maintains a purchase data record which includes a transaction identifier identifying the purchase transaction, the identification of products purchased in the transaction and a customer identifier associated with an account for the customer. The retailer provides the purchase data record to a rebate fulfillment service. This purchase data record is used by the rebate fulfillment service at the time the rebate claim is validated to ensure that a product associated with a rebate has actually been purchased. The purchase data records will indicate which products were purchased and can also indicate which products were returned to the store and helps identify fraudulently submitted claims. For example, it is common for stores to set a deadline for purchasers to return purchased products to the store for a refund. If a rebate fulfillment services processes the rebate claim after the deadline for returning products has expired, the purchase data record will reflect that the product has been purchased and whether it has been returned. If the purchase data records reflect that a product that has been purchased is associated with a rebate, and the product has not been returned, the rebate claim can be validated and the value of the rebate for the validated claims are then transferred to the customer's account associated with the customer identifier. If the purchase data record reflects that the product has been returned, the rebate claim will not be validated and thus a fraudulent claim will be

avoided. Thus, at the time the rebate claim is validated, the rebate fulfillment services uses the transaction identifier contained in the rebate claim to identify the appropriate purchase data record from the retailer to identify the products that are associated with a rebate and ensure that the product has been purchased by the customer. In this way the rebate fulfillment service ensures that the purchase of a rebated product actually occurred before providing the rebate to the customer.

The use of a purchase data record to validate the rebate provides an additional benefit not recognized in the prior art. The purchase data record includes a transaction identifier, as well as the identity of all products purchased in the transactions whether or not the purchased product is associated with a rebate. As described at page 18, line 28-page 19, line 9 and page 29 line 28-page 30, line 2, the purchase data records may be used to track customer purchasing habits far beyond products having rebates.

C. The Cited Art

Jacoves is titled “Method For Processing Information Through a Clearinghouse” and is directed to a system and method of providing discounts in a multiple product discount environment, i.e., a purchase of one product provides an instant discount on the purchase of another product. Specifically, Jacoves is directed to a fuel rewards system where the purchase of a designated product provides an instant discount on the subsequent purchase of fuel at the POS of the fuel. Jacoves discloses that at a point of sale of a first product, a receipt voucher is provided to a customer which identifies an award amount which can be used in the subsequent purchase of another product, i.e., fuel in the example described. (Fig. 5, para. 38-41). In order to redeem the award, the

customer inputs an identifier for the value of the award to be redeemed: "The identifier for the purchaser may also be provided by a code which is manually entered by the user, such as four digit code identifying a particular unit of accumulated credit discounts which should be applied to the gasoline purchase." (paragraph 45). The receipt voucher which is provided to the purchaser of the first product acts as a discount or instant coupon when presented for purchase of the fuel. In an alternate embodiment, a token is dispensed to the customer to be presented at the point-of-sale to receive an instant discount. (paragraph 49). After the instant discount has been given to the fuel purchaser, the store and the gas station transfer records electronically to a clearinghouse which reviews the redeemed discounts and transfers money between the gas station, the retail store and the manufacturer. Unlike a rebate, the fuel awards are given to the customer at the time of purchase and are automatically redeemed upon presentation of the receipt voucher or token at the time of purchase of the fuel. In Jacoves, the products that are associated with a discount are identified at the point of sale of the products and indicated on the receipt voucher. Jacoves does not review the purchase data records for the purchased products at the time the fuel discount is redeemed to see if the purchased products were eligible for a discount because that action was taken at the time the products were initially purchased.

D. Rejection of claims 102-126 under 35 U.S.C. § 102 as being unpatentable over Jacoves: The reference does not teach or suggest Appellants' claimed invention.

- 1. The examiner's interpretation of the cited art is contrary to the examiner's previous Office Action in the present application and is inconsistent with the final Office Action issued in related Applications No. 10/768,639 (the '639 Application).**

During the five years that the present application has been under active prosecution, the applicant has been frustrated by the examiner's practice of shifting the basis of his rejections by taking position which contradict positions he took previously with respect to the same art. Such practice by the examiner is manifestly unfair to the applicant and does not reflect well on the Office. For example, in the Office Action dated January 17, 2007, in related application U.S. Pat. No. 10/098,948, the examiner rejected all claims as obvious over Solomon and Mankoff, and specifically admitted that Solomon failed to teach the step of "receiving at the processing site from the purchaser subsequent to the completion of the purchase transaction the unique identifier, such identifier being independent of the product/services purchased in such purchase transaction." In response to this position taken by the examiner, the Applicant in the present application on December 3, 2007 added the pending claims each having the limitation that a transaction code is provided to the purchaser at the time of the transaction, which is used subsequently by the purchaser to request a rebate. In response the examiner indicated that the present claims would be allowed. However, instead of allowing the application as indicated, in an Office Action dated July 30, 2008, the examiner rejected all claims as anticipated by Solomon, and asserted that the recited step "receiving at the processing site from the purchaser subsequent to the completion of the purchase, a unique transaction identifier, such identifier being assigned at the point-of-sale of a purchase transaction and being independent of the identification of products purchased in such purchase transaction" is disclosed by Solomon. Thus the examiner's new rejection was contrary to

the examiner's previous position admitting that Solomon did not disclose this step. The examiner provided no explanation to the applicant about why he changed his position. In response the applicant requested an interview with the examiner and the examiner's supervisor. The examiner failed to attend the interview and the supervisor could not explain why the examiner changed his position. The applicant was forced to respond to the unnecessary rejection by presenting arguments explaining the examiner's rejection was clearly improper in light of the clear reading of the cited art. The examiner eventually withdrew his rejections over Solomon.

However, in the present rejection, the examiner has once again taken a position with respect to the cited art that is contrary to a previous position he took in rejecting the present claims. The present final Office Action includes a complete reversal of the examiner's previous interpretation of the cited art.

In a previous Office Action in the present application dated January 14, 2009, the examiner rejected all claims as anticipated by Jacoves. The examiner asserted that Jacoves discloses the use of the claimed "transaction identifier" to redeem an instant discount. Specifically, the examiner cited paragraph 49 as disclosing assigning a unique transaction identifier at a point of sale. In response, the applicant noted that paragraph 49 discloses a "four-digit code for providing the fuel reward program system with input information to identify the total accumulated discount to be applied to the later gasoline purchase at the second point of sale." Applicant also noted that this is the same four digit code which is discussed in paragraph 45 which keeps track of "accumulated credit discounts." Applicant further noted that there is no disclosure that this four-digit code is

unique to the transaction, and having only four digits means that it is impractical for use to uniquely identify a transaction.

In the present final Office Action dated November 3, 2009, however, the examiner apparently has abandoned his previous understanding of Jacoves and now for the first time asserts that the claimed “transaction identifier” is the unique identification for a purchase transaction (UID) as described in paragraph 42. The examiner’s shifting interpretation of the prior art is clearly improper, particularly in light of the examiner’s repeated assertions that it is the four digit code which is used to validate the discount used in Jacoves.

The examiner has acknowledged, during the prosecution of this application as well as the prosecution of the related application, U.S. Pat. App. No. 10/768,639 (the ‘639 Application), that he understands that it is the four digit code which is used to redeem the instant discount in Jacoves. Specifically, in the ‘639 Application, the examiner has stated:

Thus, according to the applicant, Jacoves does not disclose a method where a unique transaction identifier is assigned at the point of sale for subsequent use later by the purchaser to redeem a rebate. The examiner answers that Jacoves’ “4 digit code” is a unique transaction identifier because said code is printed on a redemption slip 212 at a first POS terminal (see paragraph 49) and where said code is used to identify a purchaser in a second POS terminal in order to identify the accumulated discount credit which should be applied according to the data stored in a third database 618 of the data processing system 600 of figure 4 (see paragraph 45). Therefore, contrary to the Applicant’s argument, said “4 digit code” is unique as said “4 digit code” function (sic) as a purchaser’s identifier in order to identify the accumulated discount credit which should be applied to purchaser. (Office Action dated July 8, 2009, p. 9)

In addition, in an Office Action dated January 1, 2009, in the related ‘886 Application, the examiner also took the position that the identical claim term “transaction identifier” was the “four digit code” described in paragraphs 45, 46 and 49 of Jacoves.

Thus, the examiner has made it clear over the last year and a half that he considers the “four digit code” to be the claimed “transaction identifier” and it is the “four digit code” that is used to match the purchaser rebate claim with the purchase data record as claimed.

It is manifestly unfair for the examiner to once again completely switch positions, without explanation, and make the applicant spend resources trying to pin the examiner down as to what his “current” position is. Clearly the examiner is aware that Jacoves does not disclose the claimed “transaction identifier” and the examiner’s refusal to even acknowledge that he has changed his position is confirmation of that fact. The examiner’s practice is highly objectionable to applicant and is sufficient alone to warrant withdrawal of the current rejections. The Applicant has raised this issue in its Pre-Appeal Brief and it went unaddressed in the examiner’s response. The applicant has also complained to the examiner’s new supervisor, who participated in the Pre-Appeal review but could not justify the examiner’s continually shifting positions and suggested that the Board would be able to address such an issue. Such an unsympathetic response from the examiner’s supervisor is characteristic of the treatment the Office has afforded the applicant throughout the prosecution of the present application.

However, the examiner’s unsupportable position with respect to the claimed “transaction identifier” is not the only basis for overturning the examiner’s present

rejections. As detailed below, the examiner' present rejections are based on cobbled together pieces of Jacoves that do not reflect the fair disclosure of Jacoves as a whole.

2. Claims 102-126

a. **Jacoves does not disclose the claimed “transaction identifier” or the “transaction code”**

While Jacoves specifically identifies the UID as the unique transaction identifier in paragraph 42, there is no disclosure that this UID is used to ascertain the applicability of promotions to the products purchased in the purchase transaction as recited in independent claims 102, 104, 110, 116, 121 and 124. Claim 102 is representative and recites, *inter alia*:

(d) using at the processing site, the unique transaction identifier provided by the purchaser to access the information provided by the supplier and the marketing entity to ascertain the applicability of promotions to the goods in the identified purchase transaction;

Throughout the Jacoves specification, the redemption of the instant discount is described and in no instance is the UID used to ascertain the applicability of promotions to the goods in the identified purchase transaction and the value associated therewith. The examiner asserts this limitation in found at paragraph at [0071]. However, paragraph [0071] recites:

However, if a redemption slip 212 has been provided, the program will flow from decision block 1910 along the "Y" path to a function block 1914. Function block 1914 indicates the operation wherein the discount is applied. The program then flows to a function block 1916 wherein the redemption field, labeled "redeemed" in the redemption file, is updated. The redemption file contains only the UID, and the time and date stamp. The program will then flow to function block 1912 and then to the End block 1914.

Note that the UID is not used at all until after the discount is applied and that it is only used with respect to updating the redemption file. However, the redemption file does not contain “information provided by the supplier and the marketing entity” as claimed because “the redemption file contains only the UID and the date and time stamp.” All other uses of the UID described in Jacoves is by the clearinghouse after the redemption has already taken place and are therefore not relevant to the claimed limitations. Thus, the citations to the prior art do not support the examiner’s rejection of Claim 102-126 with respect to the claimed “transaction identifier” or “transaction code.”

b. Jacoves does not disclose the use of product information to validate the rebate.

Independent claims 102, 104, 110, 116, 121 and 124 include the limitation that product information from the purchase data record is used to validate the rebate claim. Claim 110 is representative and recites, *inter alia*:

- (b) receiving and storing a plurality of purchase data records, each purchase data record pertaining to a sales transaction, wherein each purchase data record includes a transaction code for identifying a sales transaction and identifies at least two products purchased in connection with such transaction;
- (c) receiving a purchaser rebate claim containing a transaction code and purchaser identification information;
- (d) using a processor, matching the transaction code submitted in the purchase rebate claim with a transaction code of a stored purchase data record;
- (e) comparing each product contained in said stored purchase data record with the stored product promotion rebate information to determine if such product is eligible for one or more rebates;

These steps make it clear that after the purchaser has submitted a rebate claim containing a transaction code, the transaction code is used to identify a stored purchase data record, and the products in the stored data purchase record are checked to see if they are eligible for a rebate. The Office Action states that the step of receiving the purchase data record having the transaction identifier and the identification of the products purchased is disclosed at paragraphs 71-72. However, the only disclosure in these paragraphs of how the instant discount is redeemed states “if a redemption slip 212 has been provided, the program will flow to a function block 1912 to complete the purchase operation for the discount item.” There is no disclosure of matching a UID from the redemption slip with a product code in the potential file as asserted by the examiner. The examiner’s interpretation of Paragraphs 71 and 72 at page 4-5 of the Office Action is not supported by the express claim language of these paragraphs. For example, there is no disclosure in Jacoves of matching the UID from the redemption slip with the UID in the potential file before awarding a discount. As described in paragraph 66, the potential file is generated at the end of a transaction and its “purpose is to maintain within the POS information regarding each transaction and the total discounts for each UPC in that transaction.” The potential file can be sent to the clearinghouse to identify all redeemed discounts (paragraph 68). However, there is no disclosure of using the potential file to match a UID before the discount is awarded to a purchaser of fuel. Thus Jacoves clearly describes that the potential file keeps track of those “potential” discounts which have been redeemed so that the clearing house can keep track of how much money is owed to

the fuel retailer. But there clearly is no use of the potential file to validate a rebate since Jacoves use a “four-digit code” or a token to validate the discounts as described earlier.

Thus, the citations to the prior art do not support the examiner’s rejection of Claims 102-126 with respect to the claimed use of product information to validate the rebate.

3. The examiner’s Response to Arguments does not represent a consideration of the teaching of Jacoves as a whole.

The examiner’s Response to Arguments” section on pages 22-23 do not accurately describe the operation of the system described in Jacoves. The examiner asserts that:

Jacoves compares said redemption slip UID in said barcode with UIDs contain in a potential file (see Fig 16) stored in database 618 of said POS terminal (see Fig 6). If there is a match, the UIDS stored in said potential file that marched said redemption slips UID are flagged as redeemed (see paragraph 67) and the consumer receives a discount toward a fuel purchase according to information contained in said potential file (see paragraph 71).

However, there is no disclosure in the passages cited, or in any other passages in Jacoves that the potential file is checked, or that UIDs from the redemption slip is matched with a UID in the potential file before an instant discount is issued. As discussed above, in reality Jacoves asserts that it is the use of a four-digit code that is used to redeem the instant discount in paragraph 45, and paragraph 67 clearly describes that the redemption field in the potential file is updated only after a discount is given “to show that the redemption 212 was redeemed at the store within the appropriate time window.” The potential file would then be transferred to the clearinghouse in order to bill the manufacturer for the redeemed products as described in paragraph 68. However,

there is no disclosure for using the potential file as suggested by the examiner, and such a use would be contrary to the express disclosure of paragraph 45.

VIII. Conclusion

For the reasons identified above, Applicant respectfully requests that the rejections of the examiner be overturned and the application be allowed to issue as a patent.

IX. CLAIMS APPENDIX

1-101. (Cancelled).

102. A method of processing a rebate claim from a purchaser purchasing one or more products from a marketing entity in a single purchase transaction, in which one or more of the products purchased is associated with a promotional offer, comprising the steps of:

- (a) receiving at a processing site from a supplier of the products information relating to the promotions associated with such products;
- (b) receiving at the processing site from the purchaser subsequent to the completion of the purchase, a unique transaction identifier, such identifier being assigned at the point-of-sale of a purchase transaction and being independent of the identification of products purchased in such purchase transaction;
- (c) receiving at the processing site from the marketing entity information including the unique transaction identifier and the products purchased in that transaction;
- (d) using at the processing site, the unique transaction identifier provided by the purchaser to access the information provided by the supplier and the marketing entity to ascertain the applicability of promotions to the goods in the identified purchase transaction; and
- (e) validating each of the applicable promotions.

103. The method of Claim 102 further comprising:

(f) ascertaining the value of the applicable promotions, and providing the purchaser with the ascertained value subsequent to the completion of the purchase transaction.

104. A computerized system for processing a rebate claim submitted by a purchaser who, during a sales transaction, had purchased one or more products, at least one of which may qualify for one or more rebate promotions, and in which such purchaser had been given a transaction code for identifying such transaction; said system comprising:

at least one data input port for receiving:

(a) product promotion rebate information containing an identification of eligible products;

(b) a plurality of purchase data records, each purchase data record pertaining to a sales transaction, wherein each purchase data record (i) includes a transaction code for identifying the sales transaction and (ii) identifies at least one product purchased in connection with such transaction; and

(c) a purchaser rebate claim containing a transaction code assigned at the point of sale;

a memory communicating with said at least one data input port (i) for storing as a stored data record each transaction code and the identity of all products associated with such transaction code, and (ii) for storing said product promotion rebate information;

a processor communicating with said at least one data input port and said memory and which is programmed, in response to receiving a purchaser rebate claim:

(i) to seek to match the transaction code submitted in the purchase rebate claim with a transaction code of a stored data record; and

(ii) upon successfully matching a transaction code submitted with a rebate claim with a transaction code stored in a stored data record, to compare a first product contained in said stored data record with the stored product promotion rebate information to determine if such first product is eligible for one or more rebates.

105. The computerized system of Claim 104, wherein the processor is further programmed to:

(iii) to determine if said stored data record contains additional products and, if so, to compare each additional product with the stored product promotion rebate information to determine if such product is eligible for one or more rebates; and

(iv) to validate each rebate for all eligible products contained in the stored data record associated with the purchaser rebate claim.

106. A system as defined in claim 105, wherein said product promotion rebate information further contains the amount of each rebate for each eligible product, and wherein said processor is programmed to determine the total value of rebates for the eligible products in the stored data record associated with the purchaser rebate claim.

107. A system as defined in claim 104, in which the processor is programmed, responsive to an event, to issue a rebate to the purchaser.

108. A system as defined in claim 107 wherein such event is a request from the purchaser.

109. A system as defined in claim 107, wherein the product promotion rebate information further contains an expiration date, and wherein such event is the expiration of a promotion.

110. A method of processing a rebate claim submitted by a purchaser who, during a sales transaction, had purchased two or more products, at least one of which qualifies for one or more rebate promotions, and in which such purchaser had been given a transaction code for identifying such transaction; comprising the steps of:

- (a) receiving and electronically storing product promotion rebate information containing an identification of eligible products;
- (b) receiving and storing a plurality of purchase data records, each purchase data record pertaining to a sales transaction, wherein each purchase data record includes a transaction code for identifying a sales transaction and identifies at least two products purchased in connection with such transaction;
- (c) receiving a purchaser rebate claim containing a transaction code and purchaser identification information;
- (d) using a processor, matching the transaction code submitted in the purchase rebate claim with a transaction code of a stored purchase data record;
- (e) comparing each product contained in said stored purchase data record with the stored product promotion rebate information to determine if such product is eligible for one or more rebates; and
- (f) validating each rebate for all eligible products contained in the stored purchase data record associated with the purchaser rebate claim.

111. A method as defined in claim 110, wherein at least one purchased product does not qualify for a rebate promotion.

112. A method as defined in claim 110, wherein said product promotion rebate information contains the amount of each rebate for each eligible product, and further comprising the step of determining the total value of rebates for the eligible products in the stored purchase data record associated with the purchaser rebate claim.

113. A method as defined in claim 110, comprising further the step, responsive to an event, of issuing a rebate to the purchaser.

114. A method as defined in claim 113, wherein such event is a request from the purchaser.

115. A method as defined in claim 113, wherein the product promotion rebate information further contains an expiration date, and wherein such event is the expiration of a promotion.

116. A method of processing a rebate claim submitted by a purchaser who, during a sales transaction, had purchased one or more products, at least one of which qualifies for one or more rebate promotions, and in which such purchaser had been given a transaction code for identifying such transaction; comprising the steps of:

- (a) receiving and electronically storing product promotion rebate information containing an identification of eligible products;
- (b) receiving a plurality of purchase data records, each purchase data record pertaining to a sales transaction, wherein each purchase data record (i) includes a

transaction code for identifying a sales transaction and (ii) identifies at least one product purchased in connection with such transaction;

- (c) electronically storing as a stored data record each transaction code and the identity of all products associated with such transaction code;
- (d) receiving a purchaser rebate claim containing a transaction code and purchaser identification information;
- (e) using a processor, matching the transaction code submitted in the purchase rebate claim with a transaction code of a stored data record;
- (f) upon successfully matching a rebate claim transaction code with a stored data record, comparing a first product contained in said stored data record with the product promotion rebate information to determine if such product is eligible for one or more rebates;
- (g) determining if said stored data record contains additional products and, if so, comparing each additional product with the product promotion rebate information to determine if such product is eligible for one or more rebates; and
- (h) validating each rebate for all eligible products contained in the stored data record associated with the purchaser rebate claim.

117. A method as defined in claim 116, wherein said product promotion rebate information further contains the amount of each rebate for each eligible product, and further comprising the step of determining the total value of rebates for the eligible products in the stored purchase data record associated with the purchaser rebate claim.

118. A method as defined in claim 116, comprising further the step, responsive to an event, of issuing a rebate to the purchaser.

119. A method as defined in claim 118, wherein such event is a request from the purchaser.

120. A method as defined in claim 118, wherein the product promotion rebate information further contains an expiration date, and wherein such event is the expiration of a promotion.

121. A system for administering and processing rebate claims for products eligible for one or more rebates, said system comprising a point-of-sale computer system and a remote rebate processing center having a rebate processing center computer system; wherein said point-of-sale computer system comprises:

(a) a terminal for processing a transaction involving the sale of one or more products, irrespective of whether such products are eligible for a rebate, and for assigning to a purchaser a transaction code for identifying such transaction;

(b) programming for generating a purchase data record of said transaction which includes said transaction code and identifies at least one product purchased in connection with such transaction;

(c) a data link for establishing communication with said rebate processing center computer system for transmitting said purchase data record;

and wherein said rebate processing center computer system comprises:

a memory for storing as a stored data record a plurality of transaction codes, and the identity of all products associated with each transaction code, received from said

point-of-sale computer system, and for storing product promotion rebate information containing an identification of eligible products; and

a processor which is programmed, in response to receiving a rebate claim from a purchaser containing a transaction code:

- (i) to seek to match the transaction code submitted in the rebate claim with a transaction code of a stored data record;
- (ii) upon successfully matching a rebate claim transaction code with a stored data record transaction code, to compare a first product contained in said stored data record with the stored product promotion rebate information to determine if such first product is eligible for one or more rebates;
- (iii) to determine if said stored data record contains additional products, and, if so, to compare each additional product with the stored product promotion rebate information to determine if such product is eligible for one or more rebates; and
- (iv) to validate each rebate for all eligible products contained in the stored data record associated with the purchaser rebate claim.

122. A system as defined in claim 121, wherein said product promotion rebate information further contains the amount of each rebate for each eligible product, and wherein said processor is programmed to determine the total value of rebates for the eligible products in the stored data record associated with the purchaser rebate claim.

123. A system as defined in claim 121, in which the processor is programmed, responsive to an event, to issue a rebate to the purchaser.

124. A method for administering and processing rebate claims for products eligible for one or more rebates, said method comprising the steps, at a point-of-sale, of:

- (a) processing a transaction involving the sale of one or more products, irrespective of whether such products are eligible for a rebate, and assigning to a purchaser a transaction code for identifying such transaction;
- (b) generating a purchase data record of such transaction which includes said transaction code and identifies at least one product purchased in connection with such transaction;
- (c) transmitting said purchase data record to a remote rebate processing center;

and further comprising the steps, at a remote rebate claim processing system, of:

- receiving said purchase data record and electronically storing as a stored data record the transaction code and the identity of all products associated with the transaction code contained in said purchase data record;
- electronically storing product promotion rebate information containing an identification of eligible products; and
- using a processor, in response to receiving a rebate claim from a purchaser containing a transaction code,

- (i) seek to match the transaction code submitted in the rebate claim with a transaction code of a stored data record;
- (ii) upon successfully matching a rebate claim transaction code with a stored data record transaction code, compare a first product contained in said stored data

record with the stored product promotion rebate information to determine if such first product is eligible for one or more rebates;

- (iii) determine if said stored data record contains additional products and, if so, compare each additional product with the stored product promotion rebate information to determine if such product is eligible for one or more rebates; and
- (iv) validate each rebate for all eligible products contained in the stored data record associated with the purchaser rebate claim.

125. A method as defined in claim 124, wherein said product promotion rebate information contains the amount of each rebate for each eligible product, and further comprising the step of determining the total value of rebates for the eligible products in the stored data record associated with the purchaser rebate claim.

126. A method as defined in claim 124, further comprising the step, in responsive to an event, of issuing a rebate to the purchaser.

X. EVIDENCE APPENDIX

In this appeal, Appellant relies on evidence previously submitted and identified herewith.

XI. RELATED PROCEEDINGS APPENDIX

There are no decisions rendered by the Board in the related appeal.